

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

On the Commissioner's Own Motion for a Determination of the Adequacy of Warning Devices at the Grade Crossings of the Union Pacific Railroad Co. Tracks with Church Street (STH 26) and Spaulding Street in the City of Watertown, Dodge County

9040-RX-1221

FINDINGS OF FACT AND ORDER

On November 4, 2005, the Commissioner of Railroads directed the staff of the Office of the Commissioner of Railroads (OCR) to investigate the adequacy of warning devices under §195.28, Stats., at the grade crossings of the Union Pacific Railroad Co. (UP) tracks with Church Street (STH 26) and Spaulding Street in the City of Watertown, Dodge County (Crossing Nos. 177 656M / MP 131.58 and 177 655F / MP 131.73).

An OCR investigator inspected the crossings in February 2006. No hearing was held.

The Church Street (STH 26) crossing is being dismissed from this docket because the Wisconsin Department of Transportation (DOT) and the City of Watertown plan a roadway project in 2008 that will, among other things, address the warning devices at that crossing.

Findings of Fact

THE COMMISSIONER FINDS:

The UP operates four train movements per day over the crossing at a timetable speed of 30 mph. The railroad operates two through movements and two switch movements each day. The crossing consists of one mainline track.

**Spaulding Street**

**Crossing No. 177 655F / MP 131.73**

Spaulding Street is 35' wide in the vicinity of the crossing and intersects the railroad tracks at an angle of 90°. The roadway approaches to the crossing are nearly level from the east, and a slight descending grade from the west. Spaulding Street carried an average daily traffic (ADT) of 1800 according to 2004 DOT records at a legal speed limit of 25 mph.

A motorist traveling at 25 mph requires a safe stopping distance of 187'. The crossing is visible from greater than this distance in each direction. Assuming a train speed of 30 mph, a motorist traveling at 25 mph needs to see a train when it is 310' from the crossing from a point 187' down the highway. The sight distance available in each quadrant from the safe stopping distance is as follows: 400' northwest quadrant, 400' northeast quadrant, 140' southwest quadrant and 400' southeast quadrant.

At all crossings, except those with gates, a driver stopped 15' short of the near rail must be able to see far enough down the track, in both directions, to determine if sufficient time exists for moving their vehicle safely across the tracks to a point 15' past the far rail, prior to the arrival of a train. Required clearing sight distance along both directions of the track, from the stopped position of the vehicle, is dependent upon the maximum train speed and the acceleration characteristics of the "design" vehicle. The necessary clearing sight distance at the Spaulding Street crossing is 305'. The available clearing sight distance is greater than this distance in each direction.

The exposure factor at this crossing is 7200. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

No train-vehicle accidents have occurred at this crossing since 1973.

The crossing is presently protected with 12-inch flashing light signals. The existing warning devices are inadequate. The existing warning devices will be adequate until such time as the new warning devices are installed. In order to adequately protect public safety the installation of 12-inch LED flashing light signals with gates and constant warning time is needed because of the exposure level .

**Source of funding:** The signal materials and installation shall be paid from OCR safety funds.

#### Conclusion on the Issue

##### THE COMMISSIONER CONCLUDES:

That in order to adequately protect and promote public safety, it is necessary to install and maintain 12" LED automatic flashing lights with gates and constant warning time circuitry at the crossings of the tracks of Union Pacific Railroad Co. with Spaulding Street in the City of Watertown, Dodge County.

#### Conclusion of Law

##### THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §195.28, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **Union Pacific Railroad Co.** shall install and maintain 12" LED automatic flashing lights with gates, and constant warning time circuitry with appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with **Spaulding Street** at-grade in the City of Watertown, Dodge County by **December 31, 2008** (Crossing No. 176 655F / MP 131.65).

2. That the **Union Pacific Railroad Co.** shall submit to the Office of the Commissioner of Railroads signal and circuit plans with the cost estimate of its proposed installation and upon completion of the signal project, a detailed statement of the actual cost to the Office and to the Wisconsin Department of Transportation.

3. That the signal installation work herein ordered shall not begin until the district office of the Wisconsin Department of Transportation informs the railroad that they may start such work and such start notice will not be issued until appropriate federal aid or other funding arrangements have been assured. The cost of the new project initiated before the start notice will not be reimbursed with public funds and shall be the responsibility of the railroad.

4. That the **Union Pacific Railroad Co.** shall bear no part of the cost of the crossing signals installation, except for any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

5. That if the petitioner, railroad or any interested party objects to this order and requests a hearing within 20 days of the date of this order in writing, the Office will hold a public hearing.

6. That jurisdiction is retained.

Dated at Madison, Wisconsin,       (August 9, 2006)      .

By the Office of the Commissioner of Railroads.

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Rodney W. Kreunen  
Commissioner of Railroads